

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2830
OFFERED BY MS. BORDALLO OF GUAM**

At the end of title IV, add the following (and conform the table of contents accordingly):

1 SEC. 430. PORT OF GUAM IMPROVEMENT ENTERPRISE PRO-
2 GRAM.

3 (a) IN GENERAL.—The Secretary of Transportation,
4 acting through the Administrator of the Maritime Admin-
5 istration (in this section referred to as the “Adminis-
6 trator”), may establish a Port of Guam Improvement En-
7 terprise Program (in this section referred to as the “Pro-
8 gram”) to provide for the planning, design, and construc-
9 tion of projects for the Port of Guam to improve port fa-
10 cilities, relieve port congestion, increase port security, and
11 provide greater access to port facilities.

12 (b) AUTHORITIES OF THE ADMINISTRATOR.—In car-
13 rying out the Program, the Administrator may—

14 (1) receive funds provided for the Program
15 from non-Federal entities, including private entities,
16 that have entered into a specific contract or agree-
17 ment with the Administrator;

1 (2) provide for coordination among appropriate
2 governmental agencies to expedite the review process
3 under the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.) for projects carried
5 out under the Program;

6 (3) provide for coordination among appropriate
7 governmental agencies in connection with other re-
8 views and requirements applicable to projects carried
9 out under the Program;

10 (4) provide technical assistance to the Port Au-
11 thority of Guam (and its agents) as needed for
12 projects carried out under the Program; and

13 (5) encourage partnerships between public and
14 private entities for the development and financial
15 support of projects carried out under the Program,
16 to the extent that the Administrator considers nec-
17 essary and in accordance with the guidelines estab-
18 lished in a memorandum of understanding between
19 the Government of Guam and the Administrator.

20 (c) INTERMODAL SURFACE FREIGHT TRANSFER FA-
21 CILITY ELIGIBILITY.—Notwithstanding any other provi-
22 sion of law, an intermodal or marine facility comprising
23 a component of the Program is deemed to be eligible to
24 be an intermodal surface freight transfer facility for the

1 purposes of section 601(8)(D) of title 23, United States
2 Code.

3 (d) PORT OF GUAM IMPROVEMENT ENTERPRISE
4 FUND.—

5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a separate ac-
7 count to be known as the “Port of Guam Improve-
8 ment Enterprise Fund” (in this section referred to
9 as the “Fund”).

10 (2) DEPOSITS.—There shall be deposited into
11 the Fund—

12 (A) amounts received by the Administrator
13 from non-Federal sources under subsection
14 (b)(1);

15 (B) income from investments made under
16 paragraph (3);

17 (C) amounts transferred to the Adminis-
18 trator under subsection (e); and

19 (D) amounts appropriated to carry out this
20 section under subsection (f).

21 (3) INVESTMENT OF AMOUNTS.—The Secretary
22 of the Treasury shall invest in interest-bearing obli-
23 gations of the United States such portion of the
24 Fund as is not, in the Secretary’s judgment, re-
25 quired to meet current withdrawals. Such obligations

1 shall be acquired and sold and interest on, and the
2 proceeds from the sale or redemption of, such obliga-
3 tions shall be credited to the Fund in accordance
4 with the requirements of section 9602 of the Inter-
5 nal Revenue Code of 1986.

6 (4) USE OF AMOUNTS.—Amounts in the Fund
7 shall be available to the Administrator to carry out
8 the Program.

9 (5) ADMINISTRATIVE EXPENSES.—Not to ex-
10 ceed 3 percent of the amounts appropriated to the
11 Fund for a fiscal year may be used for administra-
12 tive expenses of the Administrator.

13 (6) AVAILABILITY OF AMOUNTS.—Amounts in
14 the Fund shall remain available until expended.

15 (e) TRANSFERS OF AMOUNTS.—Amounts appro-
16 priated or otherwise made available for any fiscal year for
17 an intermodal or marine facility comprising a component
18 of the Program shall be transferred to and administered
19 by the Administrator.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Fund such sums
22 as may be necessary to carry out this section.

